



Patent US 210D1
Attorney Docket: 244,610-210
(formerly 269/089)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Barbut et al.

Serial No.: 10/006,410

Filed: November 30, 2001

For: CANNULA WITH ASSOCIATED
FILTER AND METHODS OF USE
DURING CARDIAC SURGERY

Group Art Unit: 3731

Examiner: K. Truong

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JAN 29 2004

TECHNOLOGY CENTER R3700

DECLARATION BY DENISE BARBUT AND TRACY MAAHS UNDER 37 CFR 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, DENISE BARBUT and TRACY MAAHS, do declare that:

1. We have reviewed claims 1-13 pending in the present application.
2. We have reviewed U.S. Patent No. 5,769,816.
3. Denise Barbut was among the inventors named on U.S. Patent No. 5,769,816.
4. We invented the subject matter of claims 1-13 pending in the present application.
5. The subject matter of claims 1-13 was disclosed but not claimed in U.S.

Patent No. 5,769,816.

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450.

January 15, 2004
Date of Deposit

Cynthia B. Pacheco
Cynthia B. Pacheco

6. We invented the subject matter disclosed but not claimed in U.S. Patent No. 5,769,816, and now claimed in the present application.

7. We further declare that all statements made in this Declaration of our own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the patent and application involved in the present proceedings.

DATE: 11/14/04


Denise Barbut

DATE: 12-30-03


Tracy Maahs